

AMENDMENTS TO THE DRAWINGS

The drawings in the attached replacement sheet correct informalities noted in the Office Action. FIG. 28 is revised to illustrate the adhesive described at page 40, lines 27 - 28 of the Substitute Specification of November 13, 2006. No new matter has been added.

Attachment: Replacement sheets

REMARKS

Reconsideration of the application is respectfully requested.

Claims

Claims 1 and 4 - 31 are pending.

Claims 2 and 3 were previously cancelled without prejudice or disclaimer.

Claims 4-18, 21-27 and 29 were previously withdrawn from consideration.

Claim 31 is presently withdrawn from consideration.

Claims 1, 19, 20, 28 and 30 stand rejected.

Claims 1 and 30 are amended, and new claim 32 is added. No new matter is introduced.

Support for the amendments may be found, for example, with reference to Applicants' FIGs. 6(A) - 6(D), and to page 31, lines 15 - 20 of Applicants' substitute specification.

Claims 1 and 3-31 are currently pending.

Restricted Claim

Claim 31 is restricted and withdrawn from consideration as belonging to a non-elected species. Applicants respectfully traverse this restriction requirement. Claim 31 claims:

31. The wrapping container according to claim 1, wherein the mini sheet piece is formed from a film including an LDPE resin which is corrugated.

At page 51, line 3 through page 52, line 4, the substitute specification of November 13, 2006 describes suitable materials for use in providing the mini-sheet in each of the disclosed embodiments of the invention. One usable material is a corrugated LDPE film (see, e.g., page 52, lines 3 and 4). As the elected embodiment of FIG. 6(A) is not restrictive as to any of the materials disclosed at page 51, line 3 through page 52, line 4 of the substitute specification, Applicants submit that claim 31 should not be restricted as claiming features of an unelected species. Applicants therefore respectfully request that the restriction requirement as to claim 31 be withdrawn.

Objection to Specification

The substitute specification of November 13, 2006 is objected to in regard to informalities. For example, the Examiner objects to the Summary of the Invention as failing to be commensurate in scope with the claimed invention. Applicants amend the substitute specification to delete the rather detailed description in the Summary of Invention at page 6, line 14 through page 23, line 26, and to amend the Detailed Description of the Invention to incorporate the deleted description.

The Examiner questions, based on the substitute specification, where broken line 15 is provided on the wrapping container, and how the front face of the wrapping container is divided as shown in FIGs. 7. Applicants clarify that broken line 15 is provided only on the rear face of the wrapping container, as the front face is opened as shown in FIGs. 1(D) and 3(B) by lifting tape 4. In FIGs. 7, the folded portions of the wrapping container at the front face are folded forward and not shown. FIG. 7(C) does show that the interlabial pad 2 is removed on a finger of the right hand from between the folded portions, and that the portions 15 of the wrapping container on the left hand are separated to assist in placement of the interlabial pad 2.

The Examiner also objects to inconsistent use of units of breaking strength at page 51, lines 4 - 14 in view of claim 30. As noted below, Applicants amend claim 30 to clarify and be consistent with the description at page 51, lines 4 - 14 of the substitute specification.

Applicants respectfully request that the objections to the specification be withdrawn.

Objection to Drawings

The drawings are objected to because FIG. 28 fails to illustrate the adhesive described at page 40, lines 27 - 28 of the Substitute Specification of November 13, 2006. Applicants submit a replacement sheet in which FIG. 28 is revised to illustrate this feature and amend the substitute specification accordingly. No new matter has been added. Applicants therefore respectfully request that the replacement sheet be accepted and that the objection to the drawings be withdrawn.

Claim Objections

Claims 1, 19, 20, 28 and 30 are objected to as to informalities. Specifically, the Examiner objects to certain language used in independent claim 1. Applicants amend independent claim 1 to eliminate the objected-to language, and therefore respectfully request that the objections to the claims be withdrawn.

Claim Rejections – 35 USC §112

Claim 30 is rejected under the first paragraph of 35 U.S.C. § 112 as failing to comply with the enablement requirement. Specifically, the Examiner finds that the terms of measurement used in claim 30 are unclear, that the manner of testing used to provide the measurements is unclear, and that the specification provides no indication as to materials suited to meeting the measurement criteria. Applicants amend claim 30 to indicate that the wherein a breaking strength of the material of the mini sheet piece is in a range of 0.6 to 2.5N/inch in a lateral direction (see, e.g., page 51, lines 4 - 14 of the substitute specification), and submit that suitable lateral (tensile) toughness tests for obtaining such measurements are well-known in the art. Applicants in addition point out that suitable materials (for example, LDPE resin films) are described at page 51, lines 4 - 14 of the substitute specification. Accordingly, Applicants respectfully request that the rejection under the second paragraph of 35 U.S.C. § 112 be withdrawn.

Claims 1, 19, 20, 28 and 30 are rejected under the second paragraph of 35 U.S.C. § 112 as being indefinite. Specifically, the Examiner finds the last paragraph of claim 1 to be unclear. Applicants amend claim 1 to more clearly describe their invention, and respectfully request that the rejection under the second paragraph of 35 U.S.C. § 112 be withdrawn.

Claim Rejections – 35 USC §102

Claims 1, 2, 19, 20 and 28 have been rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 6,687,911 to Fitz. Applicants amend independent claim 1 to further clarify the nature of their invention, and respectfully traverse the rejections under 35 USC §102(b).

In amended independent claim 1, Applicants claim:

1. A wrapping container for individually wrapping an interlabial pad, comprising:

a wrapping sheet;

a broken line defining perforations disposed on the wrapping sheet for completely separating or dividing the wrapping container into two separate sections; and

a finger insertion portion formed by a two mini sheet pieces that are each attached to one of the two separate sections of the wrapping container and open to a finger inserting direction for inserting and passing a finger therethrough.

(Emphasis added).

Fitz discloses a tampon handling aid including two finger coverings joined by a line of weakness that enables the two finger coverings to be at least partially detached from one another so that one of the detachable portions may be used as a tampon disposal aid (see, e.g., abstract and Col. 2: 47 - 50 of Fitz). The Examiner suggests that Applicants claimed mini sheets are read on by “respective portions on either side of the broken line of one of the two planar portions of film disclosed at col. 5, [line] 62 - col. 6, line 7 which portions are attached their side edges to the other of the two planar portions of film.” Applicants respectfully disagree.

In the handling aid of Fitz, the planar portions used to form the handling aid are closely joined above the broken line, so that a finger may be containedly inserted into each detachable portion (see, e.g., FIG. 2c of Fitz). As a result, and in sharp contrast to Applicants’ invention as claimed in amended independent claim 1, Fitz’s planar portions fail to be open to a finger inserting direction for inserting and passing a finger therethrough (see, e.g., Applicants’ FIG. 6(D)). Rather, an inserted finger is contained within the area of the planar portion and does not extend therethrough.

Accordingly, Applicants submit that Applicants amended independent claim 1 is not anticipated by Fitz, and stands in condition for allowance. As claims 19, 20, 28 and 30 each depend

from allowable claim 1, Applicants further submit that dependent claims 19, 20, 28 and 30 are also allowable for at least this reason. Applicants therefore respectfully request that the rejection of claims 1, 19, 20, 28 and 30 under 35 USC §102(b) be withdrawn.

New Claim

Applicants add new claim 32, which depends from allowable independent claim 1. Applicants respectfully submit that new claim 32 is also allowable for at least this reason. Applicants further submit that new claim 32 is allowable on additional grounds.

New claim 32 claims:

32. The wrapping container according to claim 1, wherein the mini sheet piece on one of the two separate sections and the mini sheet piece on the other of the two separate sections are attached at equal and opposing distances from the broken line.

As noted above, the Examiner suggests that planar portions of the two films which are joined to form Fitz's handling aid, and are separable at a broken line, correspond to Applicants' claimed mini-sheets. Even assuming *arguendo* that Fitz's planar portions otherwise correspond to Applicants claimed mini sheets, as these planar portion are joined at the broken line, they cannot be said to be attached at equal and opposing distances from the broken line. For this additional reason, Applicants respectfully submit that new claim 32 not anticipated by Fitz and is therefore allowable.

CONCLUSION

In view of the above amendments and remarks, applicant believes the pending application is in condition for allowance.

If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

Dated: April 25, 2007

Respectfully submitted,

By J. DeJuidice 44523
for

Louis J. DeJuidice

Registration No.: 47,522

DARBY & DARBY P.C.

P.O. Box 5257

New York, New York 10150-5257

(212) 527-7700

(212) 527-7701 (Fax)

Attorneys/Agents For Applicant

Attachments